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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,824	03/24/2004	Annette M. Wagner	SUNMP325	7601

25920 7590 12/19/2006
MARTINE PENILLA & GENCARELLA, LLP
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EXAMINER

NGUYEN, SIMON

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/19/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/808,824

Applicant(s)

WAGNER ET AL.

Examiner

SIMON D. NGUYEN

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salmimaa et al. (6,668,177) in view of Sorvari et al. (2004/0043758).

Regarding claim 1, Salmimaa discloses method and apparatus for providing context based information on a mobile device display (abstract, figs. 1-4), comprising: displaying a set of services from a plurality of services (larger or small icons) that a user is expected to utilize with a predefined period of time based on user profile information (column 4 lines 66-67); displaying a service icon representing a service of the set of services most likely to be utilized in a primary position (a group of larger icons to be seen in the fig.); and displaying icons remaining services in the set of services in secondary positions (a group of smaller icons seen in figs.) (Column 2 line 15 to column 3 line 11, column 4 lines 16-50, 61-67, column 7 line 65 to column 8 line 14). However, Salmimaa does not specifically disclose predicting a set of services.

Sorvari discloses a mobile communication device having a display for displaying a predicted (recommended list) set of services that a user is expected to utilize with a predefined period of time based on user profile information (figs. 16E, G, 17A-B,

paragraphs 383), wherein the user profile information including usage pattern data constructed from an analysis of previous interactions with the set of services by the user (figs.9-13, 16-17). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have Salmimaa, modified by Sorvari to produce a recommending list of services in order to alternatively provide options for a user.

Regarding claim 8, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 14, this claim is rejected for the same reason as set forth in claim 1, wherein a computer program for running a method step is inherently in the system.

Regarding claims 2-4, 10, Salmimaa discloses a hidden icon in a normal operation (column 5 lines 19-21). However, Salmimaa does not specifically disclose the operation of displaying icons representing remaining services outside the set of services in a tertiary and a ticker tape display.

Sorvari discloses the operation of display representing remaining services outside of a main service in a tertiary and a ticker tap display (scrolling display) (paragraphs 52-54, 83, 94, figs.9-12). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have Salmimaa, modified by Sorvari in order to save space of a context information service display.

Regarding claims 5-7, 11-13, Salmimaa further discloses icon labels for each service icon regarding a state of a corresponding service for a user, changing (updating)

when the state of the corresponding service changes (figs.1-4, column 6 line 31 to column 8 line 14).

Regarding claim 9, Salmimaa further discloses the hidden icon during a normal operation (column 5 lines 19-21).

Regarding claims 15-17, these claims are rejected for the same reason as set forth in claims 2-3, respectively, wherein the computer program is inherently in the system for running the claimed steps.

Regarding claims 18-20, these claims are rejected for the same reason as set forth in claims 5-7, respectively, wherein the computer program is inherently in the system for running the claimed steps.

Response to Arguments

3. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

The previously cited reference issued to Sorvari discloses the steps predicting (recommending) a set of services that a user is expected to utilize with a predefined period of time and displaying the predicted set of services (see the rejections).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (571) 272-7894. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (571) 272-7899.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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600 Dulany, Alexandria, VA 22314

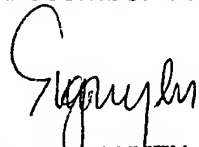
Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Hand-delivered response should be brought to Customer Service Window
located at the Randolph Building, 401 Dulany, Alexandria, VA, 22314.

Simon Nguyen

December 11, 2006

A handwritten signature in black ink, appearing to read 'Simon Nguyen', written over a horizontal line.

**SIMON NGUYEN
PRIMARY EXAMINER**